



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

May 14, 1975

The Honorable Wilson E. Speir
Director
Texas Department of Public Safety
P. O. Box 4087
Austin, Texas 78773

Open Records Decision No. 88

Re: Whether fact of filing of
confidential accident report
is public information.

Dear Colonel Speir:

You have received a request for information on whether a named person has filed an accident report in connection with an accident on a certain date. The request is made by the attorney for another party involved in the accident.

Your request involves a situation to which the Open Records Act, article 6252-17a, V. T. C. S., is applicable and we will deal with it as an Open Records Decision, even though the issue turns on our interpretation of a statute concerning the accident report. V.T.C.S., art. 670ld, § 47.

The accident report itself is made confidential by section 47, and is thus excepted from disclosure under the Open Records Act by section 3(a)(1) which excepts information made confidential by statutory law.

Section 47, article 670ld, V.T. C. S., provides:

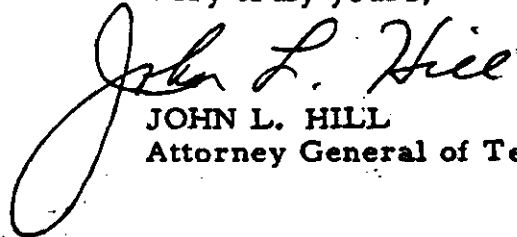
All accident reports made by persons involved in accidents, by garages, or peace officers shall be without prejudice to the individual so reporting and shall be privileged and for the confidential use of the Department or other State agencies having use for the records for accident prevention purposes, except that the Department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident, provided that accident reports submitted by peace officers after January 1, 1970, are public records open for inspection. After January 1, 1970, the

Department shall provide a copy or copies of any peace officer's report submitted after that date to any person upon written request and payment of a Two Dollar (\$2) fee. Such copy may be certified by the Department for an additional fee of Two Dollars (\$2). In the event no report is on file the Department may certify such fact for a fee of Two Dollars (\$2). All fees collected under this Section shall be placed in the Operators and Chauffeurs License Fund and are hereby appropriated to be used by the Department in the administration of this Act.

We dealt with a similar question in Attorney General Opinion H-223 (1974). The issue was whether the fact that a taxpayer has requested a reconsideration of his tax status is public information, in light of a statute making information submitted on that status confidential. We held that while the information held by the Comptroller is expressly made confidential by statute, the mere fact that a hearing has been sought is not, and thus that information is made public by mandate of the Open Records Act.

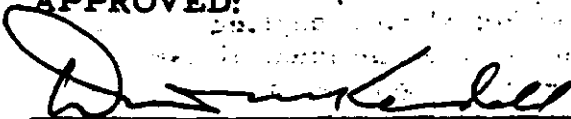
Thus, it is our decision that the fact of whether or not a person has filed an accident report is public information and should be disclosed.

Very truly yours,



JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

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